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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of	Docket No: Q60559
Masao TSURUTA	
Appln. No.: 09/822,839	Group Art Unit: 3724
Confirmation No.: 8477	Examiner: Clark F. Dexter
Filed: April 2, 2001	

For: APPARATUS FOR AND METHOD OF MANUFACTURING SHEETS

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated July 13, 2005.

Entry of this Reply Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 1-4 are pending in the application. Claims 1, 2 and 4 stand finally rejected. Claim 3 is withdrawn from consideration. Claims 1-4 were set forth in their entirety in the Appendix submitted with Appellant's Brief on Appeal filed August 25, 2004.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 and 4 should stand rejected under 35 U.S.C. §103(a) as being unpatentable over Monsees (U.S. 5,743,374) in view of Fujishiro et al. (U.S. 3,595,370 [hereinafter "Fujishiro"]).

Whether claim 2 should stand rejected under 35 U.S.C. §103(a) as being unpatentable over Monsees in view of Fujishiro and further in view of Japanese Publication 1-210298.

ARGUMENT

For the reasons set forth in Appellant's Brief on Appeal, the rejection of the claims on appeal should be reversed. In addition, Appellant submits the following remarks to emphasize exemplary, benefical aspects of the invention.

As noted in Appellant's Appeal Brief on Appeal, there is no teaching or suggestion to motivate one skilled in the art to combine teachings of Fujishiro with Monsees to derive the features of claim 1. Further, it is respectfully submitted that the Examiner's grounds of rejection do not meet the Federal Circuit's rigorous standard for demonstrating that the claimed subject matter would have been obvious in view of the teachings of the applied art, as noted in Appellant's Brief on Appeal.

Turning to the applied art, Monsees discloses an apparatus which inverts a stack of carton blanks so as to transfer and place the stack onto another stack of carton blanks. Fujishiro discloses an apparatus for stacking and transferring a plurality of bundles, arranged in opposite directions, on a turntable by turning the turntable. There is no motivation to combine these teachings as noted in Appellant's Brief on Appeal, nor do these teachings provide features that are obtained from independent claim 1.

In particular, both references disclose either an inverting device or a turning device for providing a plurality of stacks or bundles in a predetermined state. Monsees and Fujishiro do not, however, disclose an apparatus in which one stack or bundle is inverted or turned in view of the next process to be performed and do not disclose the

features of independent claim 1 and dependent claim 2. Similarly, the combination of Monsees and Fujishiro, along with Japanese Publication 1-210298 do not teach or suggest the features of dependent claim 4.

More specifically, the invention recited in claim 1 provides a unique and unobvious combination of elements that provides benefits that would not be afforded by the applied art. The combination of the individual features of claim 1 provides an apparatus capable of manipulating stacked sheets in various manners. In particular, the invention of claim 1 permits sheets to be stacked and successively transferred. The stacked sheets may then be vertically inverted, as recited in claim 1, i.e., turned upside down, and turned while taking into account the next process to be performed on the stacked sheets.

Presume, for example, that the stacked and transferred sheets are made of a photosensitive medium in which one surface is coated with an emulsion layer. If suction cups are used to transfer the sheets by contacting the coated surface, the coated surface would tend to be undesirably damaged. In the invention of claim 1, however, such stacked sheets could be turned upside down by the means for vertically inverting such that the suction cups are not attached to the coated surface when the sheets are being transferred to the next process.

Further, if the sheets are different sizes, (e.g., A3 and A4), either one of the different sized sheets can be turned by 90 degrees by the claimed means for turning so

that sides of both sheets having the same length are aligned. Accordingly, different sized sheets may be packaged by using the same processing mechanism based on the side which is aligned. If further components need to be assembled onto the sheets, this process may also be performed by using the same mechanism. Therefore, through using with the means for turning according to claim 1, the same process may be preformed on sheets having different sizes and, thus, multi-product production is realized.

Furthermore, if, for example, the sheets are obtained from a rolled photosensitive medium, the sheets can be turned a predetermined degree by the means for turning so that the next process can be performed from a lateral direction of the sheet which does not tend to curl.

The invention of claim 1 allows the stacked sheets to be inverted and turned one stack at a time, and then supplied to thereby perform the next process. Therefore, the next process is performed on the stacked sheets in an optimum state. Even if the stack is heavy, the inverting and turning of the stacked sheets are easily performed to arrange the stacked sheets in the optimum state for the next process.

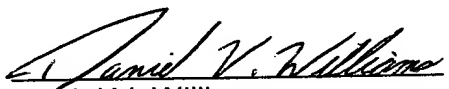
Therefore, multi-product production is realized with an apparatus having a simple structure according to the features of claim 1. Neither Monsess nor Fujishio provides an apparatus having the capability to carry out the aspects of claim 1 and, as further emphasized in Appellant's Brief on Appeal, one would not have been motivated to

combine the separate and distinct teachings of Monsees and Fujishiro to derive the features of claim 1. It is not proper for the Examiner to locate various unrelated features in the prior art in an attempt to blueprint the claimed invention. Accordingly, reversal of the rejections relying on the combination of Monsees and Fujishiro is requested.

CONCLUSION

For the above reasons as well as the reasons set forth in Appellant's Brief on Appeal, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,



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